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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,676

05/09/2006

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EXAMINER

BATISTA, MARCOS

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,676	<b>Applicant(s)</b> TANEYA ET AL.	
	<b>Examiner</b> MARCOS BATISTA	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Action is in response to Applicant's amendment filed on 03/03/2009. Claims 1-11 are still pending in the present application. This Action is made **NON-FINAL**.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/03/2009 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments filed on 03/03/2009 regarding claims 1 and 9 have been fully considered but they are not persuasive.

After carefully revising the office action pertinent to the present response and remarks, the following main point(s) have been identified:

**1)** The Applicant states that Nakamura and Kawamura, alone or in combination failed to describe, teach or suggest "determine whether a size of an image being displayed on the first display screen is larger than a size of the second display screen," as presented in amended claims 1 and 9 (refer to pages 7-11 of the Applicant's remarks).

Regarding point **1)**, Nakamura clearly teaches "determine whether a size of an image being displayed on the first display screen is larger than a size of the second

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display screen" (see pars. 0107 lines 1-15, 0108 lines 1-11 and 0109 lines 1-11, where Nakamura discusses making a determination regarding whether to display an image in a first display or a second display where the two displays are of different sizes.

Nakamura also discloses adjusting the size of the image depending on the display in which the image is being displayed. This teaching clearly means that a size determination is made for the displayed image and adjusted accordingly.)

Therefore, the argued features are written such that they read upon the cited reference(s).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-4, 6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. (US 20040023685 A1), in view of Kawamura et al. (US 20040198458 A1), hereafter "Kawamura."

Consider claim 1, Nakamura discloses an openable and closable mobile communication device (1) having a first display screen (5) and a second display screen (20) that differ in screen size, comprising (**see par. 0107 lines 3-5**): a storage unit (52) operable to store data (**see fig. 7, par. 0069 lines 9-10**); and a display control unit (40) operable to read the data stored in the storage unit (52) and display the data on the first display screen (5) with a device main body in an opened state, and read the same data and display the data on the second display screen (20) with the device main body in a closed state (**see fig. 7, pars. 0086 and 0091-0093**), and determine whether a size of an image being displayed on the first display screen is larger than a size of the second display screen (**see pars. 0107 lines 1-15, 0108 lines 1-11 and 0109 lines 1-11**—where Nakamura discloses two displays of different sizes and enlarging or reducing the size of a image depending on which display the image is displayed). Nakamura also

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discloses displaying the image simultaneously on both displays, which means that a determination of the size of the image has to be made for this to happen).

Nakamura, however, does not particular refer to wherein when the size of the image being displayed on the first display screen is less than or equal to the size of the second display screen, the display control unit does not perform size-reduction processing on the image when displaying the image on the second display screen.

Kawamura, in analogous art, teaches displaying an image of equal size on two different display screens (see fig. 1, pars. 0060 lines 6-11, 0087 lines 1-9, 0091 lines 5-10 – Where Kawamura teaches displaying the same image to both displays, which means that the image is of equal size and therefore no resizing is performed).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Nakamura and have it include displaying an image of equal size on two different display screens, as taught by Kawamura. The motivation would have been in order to be able to display the same information on both screens (see par. 0021 lines 1-3).

Consider claim 2, Nakamura as modified by Kawamura discloses claim 1 above. Nakamura further discloses a screen size of the second display screen is smaller than a screen size of the first display screen (see par. 0107 lines 3-5).

Consider claim 3, Nakamura as modified by Kawamura discloses claim 2 above. Nakamura further discloses a detection unit (**49**) operable to detect whether the device

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main body is in the opened state or the closed state, wherein the display control unit (40) includes a first storage subunit (42) that corresponds to the screen size of the first display screen (5), and a second storage subunit (48) that corresponds to the screen size of the second display screen (20), when a notification of the opened state is received from the detection unit (49), the display control unit (40) reads, from the storage unit (52), a desired web page which is the data, develops the web page to the first storage subunit (42) as bitmap data, and displays the bitmap data on the first display screen (5), and when a notification of the closed state is received from the detection unit (49), the display control unit (40) reads the desired web page from the storage unit (52), develops the web page to the second storage subunit (48) as bitmap data, and displays the bitmap data on the second display screen (20) (see fig. 7, pars. 0086 and 0091-0094 – an image is data, which reads on the web page and bitmap).

Consider claim 4, Nakamura as modified by Kawamura discloses claim 3 above. Nakamura further discloses wherein the display control unit sets a size of a character that is to be developed to the first storage subunit as bitmap data to a size specified by display information of the data stored in the storage unit, and changes a size of a character that is to be developed to the second storage subunit as bitmap data to a minimum size specified by the display information (see par. 0107 lines 9-12).

Consider claim 6, Nakamura as modified by Kawamura discloses claim 3 above. Nakamura further discloses wherein when a size of an image to be developed to the

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second storage subunit as bitmap data is larger than a size of the second storage subunit, the display control unit reduces the image to a size that can be held in the second storage subunit (see par. 0107 lines 9-12).

Consider claim 9, this is a method claim corresponding to apparatus claim 1. Therefore, it has been analyzed and rejected based upon the apparatus claim 1 above.

Consider claim 10, Nakamura discloses an openable and closable mobile communication device having a first display screen and a second display screen that differ in screen size, comprising (**see par. 0107 lines 3-5**): a storage unit operable to store data (**see fig. 7, par. 0069 lines 9-10**); and a display control unit operable to read the data stored in the storage unit and display the data on the first display screen with a device main body in a opened state, and read the same data and display the data on the second display screen with the device main body in a closed state (**see fig. 7, pars. 0086 and 0091-0093**), and determine whether a size of an image being displayed on the first display screen is larger than a size of the second display screen (**see pars. 0107 lines 1-15, 0108 lines 1-11 and 0109 lines 1-11**— where Nakamura discloses two displays of different sizes and enlarging or reducing the size of a image depending on which display the image is displayed), wherein when the size of the image being displayed on the first display screen is greater than the size of the second display screen, the display control unit reduces the size of the image so as an entirety of the image can be displayed on the second display screen, and displays the reduced-size

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image on the second display screen (see par. 0107 lines 9-12).

Nakamura, however, does not particular refer to wherein when the size of the image being displayed on the first display screen is less than or equal to the size of the second display screen, the display control unit displays the image on the second display screen at an original size of the image.

Kawamura, in analogous art, teaches displaying an image of equal size on two different display screens (see fig. 1, pars. 0060 lines 6-11, 0087 lines 1-9, 0091 lines 5-10 – Where Kawamura teaches displaying the same image to both displays, which means that the image is of equal size and therefore no resizing is performed).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Nakamura and have it include displaying an image of equal size on two different display screens, as taught by Kawamura. The motivation would have been in order to be able to display the same information on both screens (see par. 0021 lines 1-3).

Consider claim 11, Nakamura as modified by Kawamura discloses claim 10 above. Nakamura further discloses wherein the image has been generated based on the data stored in the storage unit and constitutes a portion of a display on the first display screen or on the second display screen (see par. 0107 lines 1-15).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. (US 20040023685 A1), hereafter “Nakamura,” in view of Kawamura et

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al. (US 20040198458 A1), hereafter "Kawamura," further in view of Kurashina et al. (US 5947619 A), hereafter "Kurashina."

Consider claim 5, Nakamura as modified by Kawamura discloses claim 4 above, but does not particular refer to wherein the size specified by the display information is one of 36x36 dot, 26x26 dot, 18x18 dot, and 12x12 dot, and the minimum size is 12x12 dot.

Kurashina teaches wherein the size specified by the display information is one of 36x36 dot, 26x26 dot, 18x18 dot, and 12x12 dot, and the minimum size is 12x12 dot (see fig. 18, col. 24 lines 30-39).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Nakamura as modified by Kawamura and have it include wherein the size specified by the display information is one of 36x36 dot, 26x26 dot, 18x18 dot, and 12x12 dot, and the minimum size is 12x12 dot, as taught by Kurashina. The motivation would have been in order to adjust the size of the image as require by the displaying screen (see fig. 18, col. 24 lines 30-39).

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. (US 20040023685 A1), hereafter "Nakamura," in view of Kawamura et al. (US 20040198458 A1), hereafter "Kawamura," further in view of Taniguchi et al. (US 20040058715 A1), hereafter "Taniguchi."

Consider claim 7, Nakamura as modified by Kawamura discloses claim 1 above, but does not particular refer to wherein the data stored in the storage unit is web page content of a website, the content being acquired via a public network.

Taniguchi teaches wherein the data stored in the storage unit is web page content of a website, the content being acquired via a public network (see par. 0084 lines 1-4).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Nakamura as modified by Kawamura and have it include wherein the data stored in the storage unit is web page content of a website, the content being acquired via a public network, as taught by Taniguchi. The motivation would have been in order to facilitate the sharing of images (see par. 0116).

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. (US 20040023685 A1), hereafter "Nakamura," in view of Kawamura et al. (US 20040198458 A1), hereafter "Kawamura," further in view of Taniguchi et al. (US 20040058715 A1), hereafter "Taniguchi," and further in view of Okuzako et al. (US 20040116167 A1), hereafter "Okuzako."

Consider claim 8, Nakamura as modified by Kawamura and Taniguchi teaches claim 7, but Nakamura, alone or in combination does not particular refer to wherein a five-point contact key for specifying a link in data displayed on the second display screen is provided on a same surface as the second display screen.

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Okuzako teaches wherein a five-point contact key for specifying a link in data displayed on the second display screen is provided on a same surface as the second display screen (see figs. 1 and 2, par. 0105).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Nakamura as modified by Kawamura and Taniguchi and have it include wherein a five-point contact key for specifying a link in data displayed on the second display screen is provided on a same surface as the second display screen, as taught by Okuzako. The motivation would have been in order to allow the user to operate the mobile device even when it is in the closed state (see figs. 1 and 2, par. 0105).

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*/Marcos Batista/*  
Examiner

*/Rafael Pérez-Gutiérrez/*  
Supervisory Patent Examiner, Art Unit 2617

06/12/2009